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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

BRADLEY DONALD TOURTLOTTE, M.D.

Physician's and Surgeon's
Certificate No. G-76763

Respondent

File No. 02-1999-99719

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 21, 2000.

IT IS SO ORDERED July 21, 2000.

MEDICAL BOARD OF CALIFORNIA

By: 

IRA LUBELL, M.D.

Chair, Panel A

Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 1300 I Street, Suite 125
P. O. Box 944255
4 Sacramento, CA 94244-2550
Telephone: (916) 324-5336
5 Attorneys for Complainant

7 **BEFORE THE**
8 **DIVISION OF MEDICAL QUALITY**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Amended) Case No. 02-1999-99719
Accusation Against:)
12)
13 **BRADLEY DONALD TOURTLOTTE, M.D.**)
6206 Deer Ridge Place) **STIPULATED SETTLEMENT**
Riverbank, CA 95367) **AND**
14) **DISCIPLINARY ORDER**
15)
Physician and Surgeon's)
Certificate No. G 76763,)
16)
Respondent.)
17)

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the
20 parties to the above-entitled proceedings that the following
21 matters are true:

22 1. An Amended Accusation in case number 02-1999-99719
23 was filed with the Division of Medical Quality, of the Medical
24 Board of California Department of Consumer Affairs (the
25 "Division") and is currently pending against Bradley Donald
26 Tourtlotte, M.D. (the "respondent").

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1 2. The Amended Accusation, together with all
2 statutorily required documents, was duly served on the respondent
3 and respondent filed a Notice of Defense contesting the
4 Accusation. A copy of the Amended Accusation No. 02-1999-99719
5 is attached as Exhibit "A" and hereby incorporated by reference
6 as if fully set forth.

7 3. The Complainant, Ron Joseph, is the Executive
8 Director of the Medical Board of California and brought this
9 action solely in his official capacity. The Complainant is
10 represented by the Attorney General of California, Bill Lockyer,
11 by and through Supervising Deputy Attorney General Gail M.
12 Heppell.

13 4. The respondent is represented by Sabrina M.
14 Tourtlotte, Esq., Curtis & Arata, 1300 K Street, P.O. Box 3030,
15 Modesto, CA 95353, in this matter.

16 5. At all times relevant herein, respondent has been
17 licensed by the Medical Board of California under Physician and
18 Surgeon's Certificate No. G 76763.

19 6. Respondent understands the nature of the charges
20 alleged in the Accusation and that, if proven at hearing, the
21 charges and allegations would constitute cause for imposing
22 discipline upon him. Respondent is fully aware of his right to a
23 hearing on the charges contained in the Accusation, his right to
24 confront and cross-examine witnesses against him, his right to
25 the use of subpoenas to compel the attendance of witnesses and
26 the production of documents in both defense and mitigation of the
27 charges, his right to reconsideration, appeal and any and all

1 other rights accorded by the California Administrative Procedure
2 Act and other applicable laws. Respondent knowingly, voluntarily
3 and irrevocably waives and give up each of these rights.

4 7. Respondent admits the truth of each and every
5 allegation of Amended Accusation No. 02-1999-99719, and agrees
6 that respondent has thereby subjected his license to disciplinary
7 action pursuant to Business and Professions Code sections 2234,
8 2234(b), 2234(c), 2239(a), 2266, and 2238 in conjunction with
9 Health and Safety Code sections 11170 and 11350. Respondent
10 agrees to be bound by the Division's Disciplinary Order as set
11 forth below.

12 8. The admissions made by respondent herein are for
13 the purpose of this proceeding and any other proceedings in which
14 the Division of Medical Quality, Medical Board of California, or
15 other professional licensing agency is involved, and shall not be
16 admissible in any other criminal or civil proceedings.

17 9. Based on the foregoing admissions and stipulated
18 matters, the parties agree that the Division shall, without
19 further notice or formal proceeding, issue and enter the
20 following order:

21 **DISCIPLINARY ORDER**

22 **IT IS HEREBY ORDERED**

23 that Physician and Surgeon's number G 76763 issued to respondent
24 Bradley Donald Tourtlotte, M.D. is revoked. However, the
25 revocation is stayed and respondent is placed on probation for
26 five (5) years on the following terms and conditions. Within 15
27 days after the effective date of this decision the respondent

shall provide the Division, or its designee, proof of service that respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent or where respondent is employed to practice medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to respondent.

1. **DRUGS & ABSTAIN FROM USE** Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to respondent for a *bona fide* illness or condition by another practitioner.

2. **ALCOHOL - ABSTAIN FROM USE** Respondent shall abstain completely from the use of alcoholic beverages.

3. **BIOLOGICAL FLUID TESTING** Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon the request of the Division or its designee.

4. **DIVERSION PROGRAM** Within thirty (30) days from the effective date of this decision, respondent shall enroll and participate in the Division's Diversion Program until the Division determines that further treatment and rehabilitation is no longer necessary. Quitting the program without permission, being expelled for cause, or failing to provide biological fluid testing shall constitute a violation of probation by respondent.

Respondent's license is currently suspended pursuant to an Interim Suspension Order issued under Government Code section 11529. Respondent shall not engage in the practice of medicine until he signs an agreement with the Diversion Program and the Division or its designee notifies respondent of its determination that respondent can practice medicine safely.

5. PSYCHIATRIC EVALUATION Within thirty (30) days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Division or its designee, respondent shall undergo psychiatric evaluation (and psychological testing, if deemed necessary) by a Division-appointed psychiatrist, who shall furnish an evaluation report to the Division or its designee. The respondent shall pay the cost of the psychiatric evaluation.

If respondent is required by the Division or its designee to undergo psychiatric treatment, respondent shall within 30 days of the requirement notice submit to the Division for its prior approval the name and qualifications of a psychiatrist of respondent's choice. Respondent shall undergo and continue psychiatric treatment until further notice from the Division or its designee. Respondent shall have the treating psychiatrist submit quarterly status reports to the Division or its designee indicating whether the respondent is capable of practicing medicine safely.

6. CONTROLLED DRUGS PARTIAL RESTRICTION Respondent shall not prescribe, administer, dispense, order or possess any controlled substances as defined in the California Uniform

1 Controlled Substances Act, except for those drugs listed in
2 Schedules IV and V of the Act.

3 However, respondent is permitted to prescribe,
4 administer, dispense or order controlled substances listed in
5 Schedules II and III of the Act for in-patients in a hospital
6 setting, and not otherwise.

7 7. ORAL CLINICAL OR WRITTEN EXAM Respondent shall
8 take and pass an oral clinical exam in a subject to be designated
9 and administered by the Division, or its designee. This exam
10 shall be taken within ninety (90) days of the effective date of
11 this decision. If respondent fails the first examination,
12 respondent shall be allowed to take and pass a second
13 examination, which may consist of a written as well as an oral
14 examination. The waiting period between the first and second
15 examinations shall be at least three (3) months. If respondent
16 fails to pass the first and second examinations, respondent may
17 take a third and final examination after waiting a period of one
18 year. Failure to pass the oral clinical examination within
19 eighteen (18) months after the effective date of this decision
20 shall constitute a violation of probation. The respondent shall
21 pay the costs of all examinations.

22 If respondent fails to pass the first examination,
23 respondent shall be suspended from the practice of medicine until
24 a repeat examination has been successfully passed, as evidenced
25 by written notice to respondent from the Division or its
26 designee.

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1 8. EDUCATION COURSE Within ninety (90) days of the
2 effective date of this decision, and on an annual basis
3 thereafter, respondent shall submit to the Division or its
4 designee for its prior approval an education program or course to
5 be designated by the Division, which shall not be less than 40
6 hour per year, for each year of probation. This program shall be
7 in addition to the Continuing Medical Education requirements for
8 re-licensure. Following completion of each course, the Division
9 or its designee may administer an examination to test
10 respondent's knowledge of the course. Respondent shall provide
11 proof of attendance for sixty-five (65) hours of continuing
12 medical education of which forty (40) hours were in satisfaction
13 of this condition and were approved in advance by the Division or
14 its designee.

15 9. PRACTICE RESTRICTION Respondent is prohibited from
16 engaging in solo practice. Respondent is prohibited from
17 supervising physician's assistants.

18 10. MONITORING Within 30 days of the effective date
19 of this decision or from the date when respondent is notified by
20 the Division or its designee that he can safely practice
21 medicine, respondent shall submit to the Division or its designee
22 for its prior approval a plan of practice in which respondent's
23 practice shall be monitored by another physician in respondent's
24 field of practice, who shall provide periodic reports to the
25 Division or its designee.

26 If the monitor resigns or is no longer available,
27 respondent shall, within 15 days, move to have a new monitor

1 appointed through nomination by respondent and approval by the
2 Division or its designee.

3 11. OBEY ALL LAWS Respondent shall obey all federal,
4 state and local laws, all rules governing the practice of
5 medicine in California, and remain in full compliance with any
6 court ordered criminal probation, payments and other orders.

7 12. QUARTERLY REPORTS Respondent shall submit
8 quarterly declarations under penalty of perjury on forms provided
9 by the Division, stating whether there has been compliance with
10 all the conditions of probation.

11 13. PROBATION SURVEILLANCE PROGRAM COMPLIANCE Respondent
12 shall comply with the Division's probation surveillance program.
13 Respondent shall, at all times, keep the Division informed of his
14 addresses of business and residence which shall both serve as
15 addresses of record. Changes of such addresses shall be
16 immediately communicated in writing to the Division. Under no
17 circumstances shall a post office box serve as an address of
18 record.

19 Respondent shall also immediately inform the Division,
20 in writing, of any travel to any areas outside the jurisdiction
21 of California which lasts, or is contemplated to last, more than
22 thirty (30) days.

23 14. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS
24 DESIGNATED PHYSICIAN(S) Respondent shall appear in person for
25 interviews with the Division, its designee or its designated
26 physician(s) upon request at various intervals and with
27 reasonable notice.

1 15. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE
2 NON-PRACTICE In the event respondent should leave California to
3 reside or to practice outside the State or for any reason should
4 respondent stop practicing medicine in California, respondent
5 shall notify the Division or its designee in writing within ten
6 (10) days of the dates of departure and return or the dates of
7 non-practice within California. Non-practice is defined as any
8 period of time exceeding thirty days in which respondent is not
9 engaging in any activities defined in Sections 2051 and 2052 of
10 the Business and Professions Code. All time spent in an
11 intensive training program approved by the Division or its
12 designee shall be considered as time spent in the practice of
13 medicine. Periods of temporary or permanent residence or
14 practice outside California or of non-practice within California,
15 as defined in this condition, will not apply to the reduction of
16 the probationary period.

17 16. COMPLETION OF PROBATION Upon successful completion
18 of probation, respondent's certificate shall be fully restored.

19 17. VIOLATION OF PROBATION If respondent violates
20 probation in any respect, the Division, after giving respondent
21 notice and the opportunity to be heard, may revoke probation and
22 carry out the disciplinary order that was stayed. If an
23 accusation or petition to revoke probation is filed against
24 respondent during probation, the Division shall have continuing
25 jurisdiction until the matter is final, and the period of
26 probation shall be extended until the matter is final.

27 18. COST RECOVERY The respondent is hereby ordered

1 to reimburse the Division the amount of \$3,000 within 90 days
2 from the effective date of this decision for its investigative
3 and prosecution costs. Failure to reimburse the Division's cost
4 of investigation and prosecution shall constitute a violation of
5 the probation order, unless the Division agrees in writing to
6 payment by an installment plan because of financial hardship.
7 The filing of bankruptcy by the respondent shall not relieve the
8 respondent of his responsibility to reimburse the Division for
9 its investigative and prosecution costs.

10 19. PROBATION COSTS Respondent shall pay the costs
11 associated with probation monitoring each and every year of
12 probation, which are currently set at \$2,304, but may be adjusted
13 on an annual basis. Such costs shall be payable to the Division
14 of Medical Quality and delivered to the designated probation
15 surveillance monitor at the beginning of each calendar year.
16 Failure to pay costs within 30 days of the due date shall
17 constitute a violation of probation.

18 20. LICENSE SURRENDER Following the effective date of
19 this decision, if respondent ceases practicing due to retirement,
20 health reasons or is otherwise unable to satisfy the terms and
21 conditions of probation, respondent may voluntarily tender his
22 certificate to the Board. The Division reserves the right to
23 evaluate the respondent's request and to exercise its discretion
24 whether to grant the request, or to take any other action deemed
25 appropriate and reasonable under the circumstances. Upon formal
26 acceptance of the tendered license, respondent will not longer be
27 subject to the terms and conditions of probation.

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1 I concur as to form.

2 DATED: 6/3/00.

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5 SABRINA TOURTLOTTE, ESQ.
6 CURTIS & ARATA


7 Attorney for Respondent

8
9 **ENDORSEMENT**

10 The foregoing Stipulated Settlement and Disciplinary
11 Order is hereby respectfully submitted for the consideration of
12 the Division of Medical Quality, Medical Board of California,
13 Department of Consumer Affairs.

14 DATED: June 4, 2000.

15 BILL LOCKYER, Attorney General
16 of the State of California

17 
18 GAIL M. HEPPEL
19 Supervising Deputy Attorney General

20 Attorneys for Complainant

21
22
23
24 Exhibit: Amended Accusation

25 forms\stip [115 rev]

EXHIBIT A

BILL LOCKYER, Attorney General
of the State of California
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Supervising Deputy Attorney General
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P. O. Box 944255
Sacramento, California 94244-2550
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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Amended)	Case No. 02-1999-99719
Accusation Against:)	
BRADLEY DONALD TOURTLOTTE, M.D.,)	AMENDED
140 E. Granger Avenue)	ACCUSATION
Modesto, CA 95350)	
Physician and Surgeon's)	
Certificate No. G 76763)	
Respondent.)	

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this amended accusation solely in his official capacity.

2. On or about June 7, 1993, Physician and Surgeon's Certificate No. G 76763 was issued by the Board to Bradley Donald Tourtlotte, M.D. (hereinafter "respondent"), and at all times

1 relevant to the charges brought herein, this license has been in
2 full force and effect. Said certificate expires on July 31,
3 2000.

4 On September 23, 1999, pursuant to a petition filed by
5 the Board under Government Code Section 11529, an interim
6 suspension order was issued immediately suspending respondent
7 from practicing medicine.

8 JURISDICTION

9 3. This amended accusation is brought before the
10 Division of Medical Quality of the Medical Board of California,
11 Department of Consumer Affairs (hereinafter the "Division"),
12 under the authority of the following sections of the California
13 Business and Professions Code (hereinafter "Code") and/or other
14 relevant statutory enactment:

15 A. Section 2227 of the Code provides in part that the
16 Board may revoke, suspend for a period of not to exceed one
17 year, or place on probation, the license of any licensee who
18 has been found guilty under the Medical Practice Act, and
19 may recover the costs of probation monitoring if probation
20 is imposed.

21 B. Section 125.3 of the Code provides, in part, that
22 the Board may request the administrative law judge to direct
23 any licentiate found to have committed a violation or
24 violations of the licensing act, to pay the Board a sum not
25 to exceed the reasonable costs of the investigation and
26 enforcement of the case.

27 C. Section 2239(a) of the Code provides, in part,

1 that the use or prescribing for or administering to himself
2 of any controlled substance or the use of any dangerous
3 drugs specified in section 4022 constitutes unprofessional
4 conduct.

5 D. Section 2238 of the Code provides in part that a
6 violation of any of the statutes or regulations of this
7 state regulating dangerous drugs or controlled substances
8 constitutes unprofessional conduct.

9 F. Section 11170 of the Health and Safety Code
10 provides that no person shall prescribe, administer, or
11 furnish a controlled substance for himself.

12 G. Section 11350 of the Health and Safety Code
13 provides in part that unlawful possession of hydrocodone
14 is a crime punishable by law as set forth herein.

15 H. Section 2234(b) of the Code provides in part that
16 gross negligence constitutes unprofessional conduct.

17 I. Section 2234(c) of the Code provides in part that
18 repeated negligent act constitutes unprofessional conduct.

19 J. Section 2266 of the Code provides in part that
20 the failure of a physician to maintain adequate and
21 accurate records relating to the provision of services
22 to their patients constitutes unprofessional conduct.

23 K. Section 14124.12(a) of the Welfare & Institutions
24 Code provides in pertinent part that upon written notice of
25 the Medical Board of California a physician and surgeon's
26 medical license has been placed on probation as a result of
27 a disciplinary action, no Medi-Cal claim for the type of

1 surgical service or invasive procedure giving rise to the
2 probationary order and performed on or after the effective
3 date of said probationary order or during the period of
4 probation shall be reimbursed, except upon a prior
5 determination that compelling circumstances warrant the
6 continuance of reimbursement during the probationary period
7 for procedures other than those giving rise to the
8 probationary order.

9 4. Respondent is subject to discipline and guilty of
10 unprofessional conduct within the meaning of sections 2234,
11 2234(b), 2234(c), 2239(a), 2266, and 2238 in conjunction with
12 Health and Safety Code sections 11170 and 11350 as more
13 particularly set forth hereinbelow.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Self-Use or Administration of a Controlled Substance)

16 [Bus. & Prof. Code Section 2239(a)]

17 5. Commencing at a time unknown to complainant but
18 known to respondent, respondent began to self-use and/or self-
19 administer the controlled substance methamphetamine which
20 respondent obtained without legitimate prescription therefor from
21 a medical practitioner as part of a bona fide course of
22 treatment.

23 6. On or about June 16, 1999, respondent self-used
24 and/or self-administered multiple controlled substances including
25 morphine, codeine, methamphetamine, amphetamine, marijuana and
26 heroin. (Heroin is a Schedule I drug not for prescription use
27 but may be obtained for research and instructional use or for

chemical analysis by application to the Drug Enforcement Administration supported by protocol of the proposed use.) The circumstances are as follows:

A. On June 16, 1999, respondent was arrested pursuant to a warrant while in the parking lot between his then residence and office. Respondent was evaluated by the arresting officer who noted respondent appeared to be under the influence of a stimulant. Respondent was asked if he was taking any medication and he answered "no".

B. Respondent was asked to provide a urine sample which he did. The urine specimen was sent to the Department of Justice, Bureau of Forensic Services for analysis. The sample was positive for morphine, codeine, 6-monoacetyl morphine, which is the primary metabolite for heroin, methamphetamine, and amphetamine. The presumptive assay test was positive for marijuana, methamphetamine, and opiates.

C. At the time of his arrest, respondent was searched. Two and one-half (2 1/2) white oblong tablets were found in his pocket. The tablets were sent to the Department of Justice, Bureau of Forensic Services for analysis. The tablets contained 1.92 grams of hydrocodone, which is the main ingredient of Vicodin, a schedule III controlled substance.

7. Respondent's conduct in self-using and/or administering controlled substances constitutes unprofessional conduct within the meaning of section 2239(a) of the Code.

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SECOND CAUSE FOR DISCIPLINE

(Violation of Drug Statutes)

[Bus. & Prof. Code Section 2238]

8. Complainant reallages paragraphs 5 and 6 above, and incorporates them herein by reference as if fully set forth at this point.

9. Respondent's conduct in self-using and/or administering controlled substances set forth in paragraphs 5 and 6, above, and his conduct of unlawfully possessing the controlled substance hydrocodone (Vicodin tablets) as set forth in paragraph 6 C. herein constitutes unprofessional conduct within the meaning of section 2238 of the code in conjunction with Health and Safety Code sections 11170 and 11350.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct, Gross Negligence)

[Bus. & Prof. Code Section 2234(b)]

10. Commencing on or about July 23, 1998, and continuing until on or about October 5, 1999, respondent undertook the care and treatment of D.M, a then forty-two (42) year old female. On her initial visit, D.M. complained of bilateral pain in the legs and hands, and pain in her left shoulder. It was noted that D.M. was taking a variety of medications, including Lortab, Soma, and Elavil. The impression was autoimmune disease and HTN (high blood pressure). Medications were refilled. There was no documentation of a physical examination, nor was there a recorded blood pressure. On her next two (2) visits on 8/7/98 and 8/12/98, normal blood

1 pressures were recorded. There is no documented physical
2 examinations on these visits and no indication that drugs were
3 prescribed. On 8/17/98 D.M. filled prescriptions for Vasotec,
4 Valium, and Hydrocodone/APAP.

5 11. D.M. continued to be seen at respondent's office
6 at 1 to 3 week intervals for various complaints including cough,
7 asthma, and pain. There was ongoing treatment with Soma, Lortab
8 and Valium. There was no recorded history and physical
9 examination on each of these visits. On 10/27/98, there is a
10 diagnoses of "fibromyalgia". On 1/25/99 there is a diagnosis of
11 lupus/arthritis. On 4/5/99 there is a diagnosis of SLE (lupus)
12 and R.A. (rheumatoid arthritis). On 7/23/99 there is a diagnosis
13 of DJD and Arthritis. On 9/17/99 the notes reference a positive
14 ANA (nonspecific blood test for Lupus). On 10/5/99 there is a
15 diagnosis of SLE and the plan to refer to a rheumatologist for a
16 second opinion.

17 12. Between 7/23/98 and 9/24/99, D.M. filled 51
18 prescriptions for controlled substances. Refill of prescription
19 medications is referenced in the records as "refill meds" on
20 7/23/98, 11/23/98, 1/22/99, 2/9/99, 3/23/99, 4/5/99, 4/13/99,
21 4/27/99, and 9/10/99. The records fail to specify the
22 medication, medication strength, and quantity dispensed except on
23 7/23/99 where respondent's notes show a prescription for Lorcet
24 10 mg.

25 13. Respondent is guilty of unprofessional conduct in
26 that he was grossly negligent in his treatment of this patient
27 within the meaning of Code section 2234(b) in that:

1 1) He failed to document physical examinations of any
2 organ systems in D.M.'s first four office visits.

3 2) He failed to document a clinical justification for
4 the ongoing treatment with steroids (prednisone).

5 3) He failed to document the symptoms, relevant
6 physical examination, specific diagnosis and status of chronic
7 medical conditions requiring the continued use of prescription
8 medications. Respondent rendered multiple and sometimes
9 conflicting diagnoses without supportive symptoms, physical exam
10 findings or laboratory data.

11 4) He failed to document prescribed medications,
12 dosage and quantity.

13 5) He failed to document any assessment of tolerance
14 or abuse in this patient who was receiving prescriptions for
15 controlled substances.

16 **FOURTH CAUSE OF ACTION**

17 (Unprofessional Conduct, Repeated Negligent Acts)

18 [Bus. & Prof. Code Section 2234(c)]

19 14. Complainant realleges paragraphs 10, 11, and 12,
20 above, and incorporates them by reference as if fully set forth
21 at this point.

22 15. Respondent was negligent in his treatment of D.M.
23 in that:

24 1) He failed to document physical examinations of any
25 organ systems in D.M.'s first four (4) office visits.

26 2) He failed to take and/or document a blood pressure
27 measurement on D.M.'s first visit when a diagnosis of high blood

1 pressure was made and blood pressure medication was refilled.

2 3) He failed to document a physical examination or
3 clinical analysis corresponding to the initial diagnosis of
4 autoimmune disease.

5 4) He failed to document a clinical justification for
6 ongoing treatment with steroids (prednisone).

7 5) He failed to document the symptoms, relevant
8 physical examination, specific diagnosis and status of chronic
9 medical conditions requiring the continued use of prescription
10 medications. Respondent rendered multiple and sometimes
11 conflicting diagnoses without supportive symptoms, physical exam
12 findings or laboratory data.

13 6) He failed to document the history, physical exam or
14 review of prior medical records leading to a diagnosis of chronic
15 pain. Respondent failed to document specifics regarding the pain
16 location, provoking features, character, and intensity of the
17 pain.

18 7) He failed to document any assessment of tolerance
19 or abuse in this patient who was receiving prescriptions for
20 controlled substances.

21 8) He failed to document the medication, amount,
22 strength and quantity of controlled substances prescribed to D.M.

23 9) He prescribed Darvon to this patient who had a
24 stated allergy to Darvocet.

25 16. Respondent's conduct as set forth in paragraph 15,
26 above, or any combination thereof, constitutes unprofessional
27 conduct within the meaning of Code section 2234(c).

1 FIFTH CAUSE OF ACTION

2 (Inaccurate/Inadequate Medical Records)

3 [Bus. & Prof. Code Section 2266]

4 17. Complainant realleges paragraphs, 10, 11, and 12,
5 above, and incorporates them by reference as if fully set forth
6 at this point.

7 18. Respondent provided inadequate documentation of
8 D.M's medical condition following his assumption of her care on
9 7/23/98. Respondent failed to document symptoms, relevant
10 physical examinations, specific diagnoses, and status of chronic
11 medical conditions requiring the use of controlled substances.
12 Respondent failed to document the medication, medication
13 strength, and quantity dispensed.

14 19. Respondent's conduct as set forth in paragraph 18,
15 above, constitutes unprofessional conduct within the meaning of
16 Code section 2266.

17
18 PRAYER

19 WHEREFORE, the complainant requests that a hearing be
20 held on the matters herein alleged, and that following the
21 hearing, the Division issue a decision:

22 1. Revoking or suspending Physician and Surgeon's
23 Certificate Number G 76763, heretofore issued to respondent
24 Bradley Donald Tourtlotte, M.D.;

25 2. Revoking, suspending or denying approval of the
26 respondent's authority to supervise physician assistants,
27 pursuant to Code section 3527;

1 3. Ordering respondent to pay the Division the actual
2 and reasonable costs of the investigation and enforcement of this
3 case and to pay the costs of probation monitoring upon order of
4 the Division; and

5 4. Taking such other and further action as the
6 Division deems necessary and proper.

7 DATED: May 25, 2020.

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Ronald M. Joseph
RONALD JOSEPH
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant